
**FRESNO LOCAL AGENCY FORMATION COMMISSION (LAFCo)
EXECUTIVE OFFICER'S REPORT**

AGENDA ITEM NO. 7

DATE: April 14, 2021

TO: Fresno Local Agency Formation Commission

FROM: David E. Fey, Executive Officer 

BY: Juan Lara, LAFCo Analyst II

SUBJECT: **Consider Approval: “Fresno Mosquito and Vector Control District Reorganization.”** A proposed reorganization of consisting of the detachment of approximately 365 acres from the Madera Mosquito and Vector Control District and annexation of this territory to the Fresno Mosquito and Vector Control District (“FMVCD”) said territory being located along the San Joaquin River/Fresno-Madera County line south of Avenue 7½ in Madera County. (LAFCo File No. RO-20-12)

Applicant: Fresno Mosquito and Vector Control District.

Landowners/Parties of Real Interest: Fresno Mosquito and Vector Control District, Madera Mosquito and Vector Control District, San Joaquin River Conservancy.

RECOMMENDATION: Approve by Taking the Following Actions:

Action 1:

- A. Acting as Responsible Agency pursuant to California Environmental Quality Act (“CEQA”) Guidelines, find that prior to approving the proposed reorganization, the environmental effects of the Proposal as shown in the CEQA documents prepared, adopted, and submitted by the Lead Agency, were reviewed and considered, and determine these documents to be adequate pursuant to CEQA Guidelines section 15096.

Action 2:

- B. Find that the proposed reorganization is consistent with LAFCo Policies and the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (“CKH”).
- C. Find pursuant to CKH and information in the record that:
 - a. The territory is uninhabited; and
 - b. All landowners have consented to the reorganization.

- D. Assign the distinctive short form designation “Fresno Mosquito and Vector Control District Reorganization” and approve the annexation subject to the following conditions of approval:
- a. Pursuant to Fresno LAFCo Policy 103-05, the Executive Officer shall record the approved application if all conditions have been satisfied and once, he or she has determined that the facts pertaining to the application during the time of recording are materially similar to those facts considered by the Commission when the application was approved. Facts, as used in the proceeding sentence, is defined to include, but is not limited to, whether the proposed project is materially similar to the project described in any application before the Commission.
- E. Waive further Conducting Authority Proceedings and order the reorganization subject to the requirements of CKH.

Executive Summary

On February 12, 2020, the FMVCD initiated this reorganization by adopting Resolution No. 147-20, requesting that the Commission begin proceedings for the “Fresno Mosquito and Vector Control District Reorganization” to detach approximately 365 acres from the MMVCD and annex it to the FMVCD.

On August 10, 2020 the FMVCD submitted the “Fresno Mosquito and Vector Control District Reorganization” and the Fresno Mosquito and Vector Control SOI update application (LAFCo File No. USOI-200) to be processed concurrently.

Delegation of Principal County Authority

Section 56388 of CKH permits jurisdiction of a proposal to be vested in a Commission of a County other than the Principal County in which territory of the district is located or is proposed to be located if all of the following occur:

- (a) The commission of the principal county agrees to having the exclusive jurisdiction vested in the commission of another county,
- (b) The commission of the principal county designates the commission of another county which shall assume exclusive jurisdiction; and
- (c) The commission of the county so designated agrees to assume exclusive jurisdiction.

The District’s SOI update and annexation applications trigger a simultaneous reduction of Madera Mosquito and Vector Control District (“MMVCD”) SOI and detachment of the affected territory from that district. In order to efficiently process changes to two districts in separate counties, Fresno LAFCo and Madera LAFCo agreed to establish exclusive jurisdiction for the processing of the districts’ respective applications: Fresno LAFCo would have jurisdiction to process applications USOI-200 and RO-20-12 for the Fresno MVCD and to amend the corresponding MMVCD SOI and detachment, and Madera LAFCo would have jurisdiction to process applications for similar actions that would be submitted by MMVCD.

On November 18, 2020, Fresno LAFCo authorized the Executive Office to submit a request to Madera LAFCo to establish jurisdiction to process LAFCo applications USOI-200 and RO-20-12. On December 9, 2020, Madera LAFCo granted approval to Fresno LAFCo to process the applications (**Attachment C**).

Proposal/Land Use

- The Proposal consists of the detachment of approximately 365 acres annexation from the Madera Mosquito and Vector Control District and annexation to the Fresno Mosquito and Vector Control District.
- Information related to the Proposal's affected territory, land use, proposed development, special districts, surrounding areas, and existing/proposed services can be found on **Attachment A**.
- If USOI-200 is approved, the affected territory will be within the Fresno Mosquito and Vector Control District sphere of influence and will be contiguous to the District's service area (**Attachment B**).
- 365 acres of the Proposal are currently zoned by Madera County as ARE-20 (Agricultural, Rural, Exclusive). No zone change is proposed nor required by CKH.
- The territory is uninhabited.

Revenue and Tax Code Section 99 (b)

On September 16, 2020 LAFCo issued a notice for jurisdictional change under Revenue and Taxation ("R&T") code section 99 (b) to the Madera County Assessor-Recorder and the Madera County Auditor Controller/Treasure-Tax Collector. This notice is intended to notify the two departments of the jurisdictional change and upon receiving the notice these agencies are to commence calculations and negotiations to determine the amount of property tax revenues to be exchanged between the local agencies whose service area or service responsibility will be altered by the change.

On March 22, 2021, the general manager of the FMVCD advised staff that both the Fresno and the Madera Mosquito and Vector Control Districts have come to an agreement that due to the affected parcels being state owned and therefore tax exempt and the unlikelihood of the sale of the affected parcels which may make them taxable once again, there is no need for a tax exchange agreement. The Districts expressed that they did not want to proceed with the tax revenue exchange negotiations pursuant to R&T code for the affected territory.

The Madera County Assessor-Recorder and Auditor agreed that the affected special district can proceed without tax revenue exchange negotiations pursuant to R&T code for the affected territory.

Environmental Determination

The FMVCD, acting as "Lead Agency" under CEQA, filed a Class 19 categorical exemption for the Fresno Mosquito and Vector Control District Reorganization filed with the office of the Fresno County Clerk on July 30, 2020 Document No. E202010000267 and with the Madera

County Clerk on July 22, 2020 Document No. 2020038 consistent with the requirements of CEQA.

As a "Responsible Agency" pursuant to CEQA Guidelines, the Commission is required to independently review and consider the environmental review for the proposed SOI update prior to reaching its decision. Staff has reviewed the CEQA documents provided with the application LAFCo, and concludes that it can be seen with certainty that the SOI update does not have the potential to result in a significant effect on the environment, and that the SOI update is not subject to CEQA pursuant to CEQA Guidelines section 15061 (b)(3). Therefore, the proposal is exempt from environmental review.

Pursuant to CEQA Guidelines section 15096(i), if the Commission determines that these documents are adequate, a Notice of Determination will be prepared and filed with the County of Fresno Clerk's office and the Madera county Clerk's Office in compliance with section 21152 of the Public Resources Code.

Costs and Other Changes Affecting Residents or Landowners

None reported by the District.

Agencies and Individuals Submitting Comments

- Madera County Elections Department
- Curt Randles, Senior Cadastral Drafting Technician. Madera County Assessor's Office
- Bryant VanderVelde, Cadastral Tech III, Fresno County Assessor's Office
- David Braun, Executive Officer, Madera County LAFCo
- Gary Svanda, Assessor, Madera County Assessor's Office
- Catherine Nainoa, Chief Accountant, Madera County Auditor-Controller's Office

Territory Boundaries - The boundaries of the proposed reorganization are definite and certain, and the Madera County Assessor has determined that the map and legal description are adequate to file with the State Board of Equalization.

Registered Voter Data - The office of County of Madera Elections reported that there are **zero** registered voters in the affected territory.

Compliance with the Requirements of CEQA

Lead Agency: Fresno Mosquito and Vector Control District

Level of Analysis: Notice of Exemption

Finding: Class 19 Categorical Exception (see Environmental Documents at www.fresnolafco.org under the Hearing and Workshops tab in the April 14, 2021 file).

Individuals and Agencies Receiving this Report

- Ken Price, LAFCo Counsel
- Bernard Jimenez, Deputy Director of Fresno Co. Public Works and Planning
- David Braun, Executive Officer, Madera County LAFCo
- Ryan McNeil, District Manager, Fresno Mosquito and Vector Control District
- Teresa Hamilton, District Manager Madera Mosquito and Vector Control District